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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050920
Party	Defendant Soni, Milena
Correspondence Address	Soni, Milena 972 Linda Vista Avenue Pasadena, CA 91103 UNITED STATES surj@sonilaw.com, woosoon@sonilaw.com
Submission	Answer
Filer's Name	Surjit P. Soni
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Signature	/Surjit P. Soni/
Date	07/15/2009
Attachments	Respondent's Answer to petition to cancel.pdf (6 pages)(390200 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Reg. No.: 3,009,990
Mark: **ENTELLECT**

INTELLECT TECHNICAL SOLUTIONS, INC.)	
)	
)	Cancellation No. 92050920
Petitioner)	
)	
v.)	RESPONDENT'S ANSWER TO
)	PETITION FOR CANCELLATION
MILENA SONI,)	
Respondent)	
)	

MILENA SONI, the Respondent, hereby answers the petition for cancellation ("Petition")
instituted by Petitioner, INTELLECT TECHNICAL SOLUTIONS, INC., as follows:

PETITIONER'S ALLEGATIONS

1. Petitioner, Intellect Technical Solutions, Inc., is a corporation of the State of
Florida having an address of 5404 Cypress Center Dr., Suite 150, Tampa, Florida 33609.

Respondent's Response: Respondent is without information or knowledge sufficient to form a
belief as to the truth of the allegations asserted in paragraph 1 of the Petition and on that basis denies
the allegations in paragraph 1, leaving Petitioner to its proofs.

2. Respondent, Milena Soni, on information and belief, is an individual having offices or residing at 972 Linda Vista Avenue, Pasadena, California 91103.

Respondent's Response: Respondent admits the allegations asserted in paragraph 2 of the Petition.

3. Respondent obtained registration of the service mark ENTELLECT in International Classes 35, 41, and 44 on November 1, 2005, as registration number 3,009,990 (the '990 registration).

Respondent's Response: Respondent admits the allegations asserted in paragraph 3 of the Petition.

4. On information and belief, Respondent is the current owner of the '990 registration.

Respondent's Response: Respondent admits the allegations asserted in paragraph 4 of the Petition.

5. Respondent, in her registration, represents that she uses the mark in connection with:

Employment counseling and recruiting, Business Consultation,
Business management and consultation, Business management
consultation, Personnel management consultation, Psychological
testing for the selection of personnel in International Class 35, with a

date of first use of May 1, 2002.

Respondent's Response: Respondent admits the allegations asserted in paragraph 5 of the Petition.

6. Respondent, in her registration, represents that she uses the mark in connection with "Career counseling" in International Class 41, with a first use date of May 1, 2002.

Respondent's Response: Respondent admits the allegations asserted in paragraph 6 of the Petition.

7. Respondent, in her registration, represents that she uses the mark in connection with:

Psychological counseling, Psychological consultation, Psychological testing services, Psychological testing in International Class 44, with a date of first use of May 1, 2002.

Respondent's Response: Respondent admits the allegations asserted in paragraph 7 of the Petition.

8. Petitioner filed an application on January 3, 2008, as Application No. 77/363,060 for registration of its mark INTELLECT, for use in connection with:

Employment hiring, recruiting, placement, staffing and career networking services, namely recruiting and placing information

technology professionals and staffing application development and information technology infrastructure positions in International Class 35, with a first use date of December 31, 1997, and for use in connection with:

Consulting services in the field of computer-based information systems for businesses, namely providing software development, quality assurance, project management and infrastructure consulting services

in International Class 42, with a first use date of December 31, 1997.

Respondent's Response: Respondent is without knowledge of the allegations of this paragraph and therefore cannot respond.

9. Petitioner subsequently divided application 77/363,060 into two applications, after which the parent application (77/363,060) retained the services identified in International Class 35 and the child application (77/975,757) retained the services identified in International Class 42.

Respondent's Response: Respondent is without knowledge of the allegations of this paragraph and therefore cannot respond.

10. Child application (77/957,757) issued as registration number 3,546,884 on December 16, 2008.

Respondent's Response: Respondent is without knowledge of the allegations of this paragraph

and therefore cannot respond.

11. The Examining Attorney rejected the parent application (77/363,060), citing a likelihood of confusion between Respondent's registration and Petitioner's application.

Respondent's Response: Respondent is without knowledge of the allegations of this paragraph and therefore cannot respond.

12. Petitioner subsequently amended the description of services in the parent application to "Placement services, namely placing information technology professionals into information technology positions."

Respondent's Response: Respondent is without knowledge of the allegations of this paragraph and therefore cannot respond.

13. The Examining Attorney maintained and made the rejection of parent application (77/363,060) final, again citing a likelihood of confusion with Respondent's registration.

Respondent's Response: Respondent is without knowledge of the allegations of this paragraph and therefore cannot respond.

14. Petitioner has been using its INTELLECT as a service mark and trade name for recruiting and placement services since at least as early as December 31, 1997, more than four years prior to the date of first use of Respondent's mark.


Respondent's Response: Respondent is without information or knowledge sufficient to form a belief as to the truth of the allegations asserted in paragraph 14 of the Petition and on that basis denies the allegations in paragraph 14, leaving Petitioner to its proofs.

15. Petitioner will be injured by the continued registration of the trademark ENTELLECT by Respondent in that Petitioner's own application for registration of a similar mark has been refused registration as being confusingly similar, thereby depriving Petitioner from benefiting from the use and registration of said mark.

Respondent's Response: Respondent denies the allegations asserted in paragraph 15 of the Petition and leaves Petitioner to its proofs.

Respectfully submitted,

Dated: July 15, 2009

By: 
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